G. R. S. 58]

Previous references.

1878. PS

191 .

(Municipal)

File No. 1.

Serial Nos. 1-2

Later references.

Enl. 3 of 1879

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 2

Part B for May 1879.

SUBJECT.

Sale of waste and unutilized building Sites within the limits of Taluk Municipalities

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Copies forwarded.

W D 1851—GPB—20,000—13-12-13

Judges

Amrza Nazeer Hasan

C. 674.

1879. 23.

From

The Comm[r] Nilgiris

To

Secretary to Chief Commissioner,
General Department.

Dated 25th April 1879.

Despatched

Received 30 APR 1879

ENCLOSURES NO. X 2.

General No. 71 / *No.* 3 } 187 —7 .

Requesting instructions whether building sites allowed by the Commr to be leased immediately within the Municipal Limits of Ootacamund may be declared by the Municipality to be private property in which case they will be open to purchase without reservation

Draft Govt Rules now under consideration provides for such of the Hill Stations as may be considered

AH

1871
No 3

Abstract of Mr. Commissioner's proceedings
Mysore, 20th April 1871

To

The Secretary to the Chief
Commissioner of Mysore
General Department

Sir

I have the honor, at the instance of the Deputy Commissioner's Mysore and Kadur to request the favor of instructions whether building sites allowed by the owners to be waste and unutilized within the Municipal limits of Taluk Circle where municipal operations have been extended, may be ordered by the Deputy Commr to be sold in cases in which owners fail or refuse to erect buildings on them within a reasonable time

2 Under Existing Municipal Rules, a fine not Exceeding 2 Rupees may be inflicted by the Amildar, in cases in which a house or building or land is allowed by the owners to be in a filthy state, or overgrown with noxious vegetation, vide printed proceedings of the Chief Commissioner No. 3040 P.C. 81 dated, 27th June 1871, but there is no authority to order the sale of waste building sites on which owners have failed or refuse to erect buildings after notices have repeatedly been served on them

3 The only reference which has been

rounds to bear on the point is a Canarese Circular No. 2 dated 24th February 1862, issued by the former Superintendent of Mildavo, which directs that in all cases in which the owners fail to construct buildings within one year on sites which are allowed to be waste and unutilized, the building sites so neglected should be taken charge of by Govt. I do not now appear whether this procedure has been sanctioned by the Chief Commr. Under the Rules recently received for the Conservancy of small Towns and Villages where Municipal regulations have not been fully introduced (vide printed proceedings of the Chief Commissioner No. 1795 dated 21st May 1877) all uninhabited buildings which are in a dilapidated and dangerous condition, are to be dismantled and the walls razed to the level of the ground. But there is no provision for cases of the nature under reference

2. Copies of letters from the Deputy Commissioners Mysore and Hassan on the subject, with a Copy of the Canarese Circular of 1862, are Enclosed

I have the honor to be
Sir
Your most Obedient Servant

H R May

Commissioner
Bellary Dist.

No. 38.

Mysore Deputy Commissioner's Office
Dated, 9th April 1879

To

The Commissioner
Nohtagram Division

Sir

I have the honor to return Letter of the Officiating Deputy Commissioner of Hassan District, received with your No. 21 of 5th instant and to intimate that the practice of this District is virtually the same as that set forth.

2 Files unclaimed and unbuilt on are sold by Government, and under the orders of Chief Commissioner's No. 5470/70 of 24th December 1872, the realizations under this head are kept separately in accounts, and reserved for Expenditure under Special sanction of the Chief Commissioner.

I have &c

(Signed) C. J. Pearse.
Deputy Commissioner
Mysore District

Hassan District
Deputy Commissioner's Office
Camp Channarayapatna 23rd March 1879

No. 1600

To

The Commissioner
Central Division.

Sir

I have the honor to forward herewith for your perusal, the enclosed Correspondence

the per mercem

2. The facts of the case are simply that an inhabitant of Bélur, by name Raghavendra Shastri, had a building site lying waste in that village. He is said, in exercise of powers of which a notice was issued, to the said Raghavendra Shastri to Erect a building on it, and as he failed to do so, the sale of the site was ordered. Raghavendra Shastri complained, and the sale was set aside, a further grace of six months being allowed. Even this period expired, and on no report being submitted to Capt Mallery, he again authorised the sale of it. (vide No 1319). This does not seem to have been carried out, as on the last report submitted by the Sub Divisional Officer, Captain Mallery has recorded an order to the effect that the matter should be disposed of on the spot by the Tahsildar Officer or the next Dy. Commr.

3 Meanwhile another man, a neighbour of the said Raghavendra Shastri, wanted to have a passage between his house and that of Raghavendra Shastri, and the Sub Divisional Officer recommended that this prayer should be granted. This suggestion does not seem to have been noticed by Captain Mallery, as no orders in that behalf have been passed by him.

4. The matter having come up in this state for my decision, I saw the locality in question, and found that a house had been built on the site referred to. No passage had been left. Both these points referred to,

Exclusively

exclusively to the use of his own property as a private individual, and did not interfere with Government interests. I therefore decided the case by telling the contending parties about the passage, that they should fight out their case in a properly constituted Court, and that the house might remain as it was. The Correspondence has thus come to an End.

5. But my object in making this reference is, to solicit your orders on a general question raised in this case, and involved at present in uncertainty. I refer to the authority of the Deputy Commissioners to order the sale of such building sites.

6. You are doubtless aware that, there are lots of such sites in the middle of Kusbah towns and other villages, and I trust you will agree with me in thinking that the existence of such waste grounds in the middle of a flourishing village is objectionable both on sanitary and aesthetic grounds. It is therefore desirable that Deputy Commissioners should possess authority to deal with such matters and to compel the owners to give up such sites or to build thereon. This power is at present Exercised practically, but so far as I know, is not founded on any legal order of the Chief Commissioner or of the Govt of India. The Cutch Superintendent of Ahtag Division has issued an order (Copy herewith Sec 5) prescribing a certain procedure in

such

such cases, but it is very doubtful if any such effect will be given to that order by our Civil Courts. There is no other Municipal regulation to meet such a case and an Officer will naturally hesitate to pass and carry out orders with[out] sanction. Under these circumstances I would suggest the advisability of bringing this matter and the present unsatisfactory state of Law to the notice of the Chief Commr. with such recommendation as you think proper, in view to his taking measures to legalize the present practice founded upon the late Superintendent's Circular and introduce such other rules as may be necessary for the working of our Taluk and Village Municipalities

Thanking you

Yours faithfully
Sd/- P. N. Krishna Murti
Offg. Deputy Commr.
Hassan District.

"Copies"

J. Moulle.

For Commr. & Supdt.

ॐ नमो भगवते वासुदेवाय नमः

श्रीमद्भागवत महापुराण

प्रथम स्कन्ध

प्रथम अध्याय

श्रीमद्भागवत महापुराण के रचयिता श्रीवेदव्यास जी हैं। इसमें बारह स्कन्ध, तीन सौ पैंतीस अध्याय और अठारह हजार श्लोक हैं। इसमें भगवान के अवतारों की कथाएँ, भक्ति, ज्ञान और वैराग्य का विस्तृत वर्णन है। यह ग्रन्थ भक्तों के लिए अत्यन्त पवित्र और पूजनीय है। इसका पाठ करने से मनुष्य के सभी पाप नष्ट हो जाते हैं और वह भगवान के परम धाम को प्राप्त करता है।

— — —

नैमिषारण्य तीर्थ में शौनक आदि ऋषियों ने सूत जी से पूछा कि हे सूत जी, आप हमें ऐसी कथा सुनाइये जिससे हमारे हृदय में भगवान के प्रति भक्ति उत्पन्न हो और हम संसार के बन्धनों से मुक्त हो सकें। सूत जी ने उत्तर दिया कि हे ऋषियो, आप लोगों ने बहुत उत्तम प्रश्न किया है। मैं आपको वही कथा सुनाता हूँ जो मैंने अपने गुरु श्रीशुकदेव जी से सुनी थी।

"Copy"

Signed L. D. Stroomalchaier,
for Offg. Dy Commissioner

"Copy"

Moodie.

for Commissioner
Ordnance

Read:-

Letter from the Commr. Ashtaparandu, No 7/3 dy. 28" April 79, requesting instructions as to whether waste & unutilized building sites within the limits of Taluk Municipalities may be sold in cases in which their owners fail or refuse to Erect buildings on them within a reasonable time.

No 600-602 dy 7/28 ml 51

Read 1-78 2-

No 600-602 dy 21/5/79 ml 51

Order thereon

The sale of waste & unutilized building sites by the Municipal or Magisterial authorities would involve interference with private rights which cannot be sanctioned. The owners of the sites may be required to keep them in order, to enclose, clear or cleanse them on pain of penalties which may be recovered by the Magistrate. A further provision to recover the penalty by a Civil suit in satisfaction

1879-80.

Municipal

To

The Commrs: of Divisions

Dated 21st May 1879.

Duffer

G.L. No. 600-603

M.L. No. 57

Passing orders on the subject of the disposal of waste and unutilized building sites whose owners fail or refuse to erect on them buildings within a reasonable time.

which the ground could be brought under sale, is embodied in the Draft Municipal Rules now under consideration & this will provide for the sale of such sites the owners of which may be absent or otherwise not within the reach of the municipal authorities.

By Rev Secretary

To. The Comr: Ashmedon
The Comrs. of
Mandyroad and
Lagar Divisions.